

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND**

<b>JARED ANDREW NEISSER #463-745</b>	:	
<b>Plaintiff</b>	:	<b>CASE NO.: 19-00888 ELH</b>
<b>v.</b>	:	
<b>WEXFORD HEALTH SOURCES, INC., et al.</b>	:	
<b>Defendants</b>	:	

**DEFENDANTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION FOR  
SUMMARY JUDGMENT**

Defendants Wexford Health Sources, Inc., Marnette Valcin, N.P., Bernard Alenda, N.P. and Eveline Bobga Tatong, R.N.<sup>1</sup> (collectively the "Medical Defendants"), by their counsel, Gina M. Smith, Douglas C. Meister, and Meyers, Rodbell & Rosenbaum, P.A., hereby submit this Motion to Dismiss or, in the alternative, Motion for Summary Judgment and in support thereof state as follows:

1. On March 22, 2019, Plaintiff Jared Andrew Neisser,<sup>2</sup> *pro se*, filed a complaint in the U.S. District Court for Maryland for deliberate indifference to his medical needs under 42 U.S.C. § 1983. ECF 1. On April 18, 2019, Plaintiff filed an amended complaint naming the individual Medical Defendants as defendants. ECF 6.
2. Plaintiff's claims arise out of the alleged improper administration of Narcan to Plaintiff during a seizure episode and denial of access to his medical records. ECF 1.
3. Plaintiff's Complaint fails to allege sufficient facts that would entitle him to relief. Therefore Plaintiff's Complaint should be dismissed.
4. Furthermore, based on the undisputed material facts, the Medical Defendants are entitled to judgment in their favor as a matter of law.

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<sup>1</sup> Incorrectly named Evaliile Bobga, R.N. in the complaint supplement. ECF 6.

<sup>2</sup> Listed in DPSCS records as Andrew Jared Neisser. The Medical Defendants will use Plaintiff's version of his name.

5. The attached Memorandum of Law and its accompanying exhibits are hereby incorporated by reference in support of the Medical Defendants' Motion to Dismiss or, in the alternative, Motion for Summary Judgment.

**WHEREFORE**, Defendants Wexford Health Sources, Inc., Marnette Valcin, N.P., Bernard Alenda, N.P. and Eveline Bobga Tatong, R.N. move for the entry of an order dismissing Plaintiff's Complaint or, in the alternative, granting judgment in their favor.

Respectfully Submitted,

**MEYERS, RODBELL & ROSENBAUM, P.A.**

By:                     /s/                      
Gina M. Smith, Federal Bar #03724  
Douglas C. Meister, Federal Bar #13111  
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## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that on this 9<sup>th</sup> day of August, 2019, a copy of the foregoing Motion to Dismiss or, in the alternative, Motion for Summary Judgment and accompanying Memorandum of Law, Exhibit 1 medical records, and Exhibit 2 Affidavit of Ayoku Oketunji, M.D. were mailed, postage prepaid or electronically sent, to:

Jared Andrew Neisser #463-745  
Maryland Correctional Training Center  
18800 Roxbury Rd.  
Hagerstown, MD 21746

/s/  
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Douglas C. Meister